

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL D. ROGERS,

Petitioner,

v.

JAMES WALKER, Warden,

Respondent.

No. C 10-00158 RS (PR)

**ORDER DENYING MOTIONS TO
EXTEND TIME;**

**ORDER DENYING MOTION TO FILE
A SUPPLEMENTAL TRAVERSE**


This closed federal habeas corpus action was filed by a *pro se* state prisoner pursuant to 28 U.S.C. 2254. The petition was denied, a certificate of appealability (“COA”) was denied, and judgment was entered in favor of respondent on January 11, 2012 (Docket Nos. 29 & 30). Petitioner now moves for an extension of time to file a (1) request for a COA, (2) motion for a rehearing, (3) motion for an extension of time to file a supplemental traverse (Docket Nos. 31 & 34).

Petitioner’s motion for an extension of time to file a COA is DENIED as moot, the order denying the petition having declined to issue a COA. Petitioner’s motion for an extension of time to file a motion for a rehearing, which is construed as a motion for relief under Federal Rule of Civil Procedure (“FRCP”) 60, is DENIED as premature, there being as

1 yet no filing deadline to extend. A motion for relief under Rule 60 “must be made within a
2 reasonable time — and for reasons (1), (2), and (3) no more than a year after the entry of
3 judgment or order or the date of the proceeding.” FRCP 60(c). Petitioner’s motion for an
4 extension of time to file a supplemental traverse is DENIED. Briefing on this petition has
5 long since been completed, and not only did petitioner have an opportunity to file a traverse,
6 he in fact did file one (Docket No. 28). The Clerk shall terminate Docket Nos. 31 & 34.

7 **IT IS SO ORDERED.**

8 Dated: April 30, 2012



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE